

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 865 Historic Properties

SPONSOR(S): Bovo, and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 1630

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Military & Local Affairs Policy Committee	14 Y, 0 N	Nelson	Hoagland
2)	Economic Development & Community Affairs Policy Council			
3)	Transportation & Economic Development Appropriations Committee			
4)	Full Appropriations Council on Education & Economic Development			
5)				

SUMMARY ANALYSIS

The "Florida Historical Resources Act" details the state's policy relative to historic properties. Currently, that policy includes:

- providing leadership in the preservation of the state's historic resources;
- administering state-owned or state-controlled historic resources in a spirit of stewardship and trusteeship;
- contributing to the preservation of non-state-owned historic resources and giving encouragement to organizations and individuals undertaking preservation by private means;
- fostering conditions, using measures that include financial and technical assistance, for a harmonious coexistence of society and state historic resources;
- encouraging the public and private preservation and utilization of elements of the state's historically built environment; and
- assisting local governments to expand and accelerate their historic preservation programs and activities.

HB 865 amends the act by adding language that declares a state policy to provide assistance to community organizations in their efforts to preserve historic resources.

The bill does not appear to have a fiscal impact, and has an effective date of July 1, 2009.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives:

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The duties and responsibilities of the Department of State in the area of historical preservation are delineated by ch. 267, F.S. Specifically, these functions are directed to the Division of Historical Resources of the department to carry out on behalf of the state. Florida's historic preservation initiatives also are governed by the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470).

Section 267.061 of the "Florida Historical Resources Act," details the state's policy relative to historic properties.¹ Currently, that section provides, in relevant part:

The rich and unique heritage of historic properties in this state, representing more than 10,000 years of human presence, is an important legacy to be valued and conserved for present and future generations. The destruction of these nonrenewable historical resources will engender a significant loss to the state's quality of life, economy, and cultural environment. It is therefore declared to be state policy to:

1. Provide leadership in the preservation of the state's historic resources;
2. Administer state-owned or state-controlled historic resources in a spirit of stewardship and trusteeship;
3. Contribute to the preservation of non-state-owned historic resources and to give encouragement to organizations and individuals undertaking preservation by private means;
4. Foster conditions, using measures that include financial and technical assistance, for a harmonious coexistence of society and state historic resources;

¹ Historic property" is defined by the act to mean any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value, and folklife resources. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the state.

5. Encourage the public and private preservation and utilization of elements of the state's historically built environment; and
6. Assist local governments to expand and accelerate their historic preservation programs and activities.

Effect of Proposed Changes

HB 865 amends s. 267.061, F.S., by adding language that declares a state policy to provide assistance to community organizations in their efforts to preserve historic resources.

The bill does not define the term "community organizations," and its addition may be duplicative as individuals and organizations "undertaking preservation by private means" currently are included in the statute. However, the statute expresses giving "encouragement" to those undertaking preservation by private means while the new language contemplates providing "assistance" to community organizations, thus potentially raising any support provided by the state to a greater level based on the common usage of those words.

The bill has an effective date of July 1, 2009.

B. SECTION DIRECTORY:

Section 1: Amends s. 267.061, F.S., relating to historic properties.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

The Florida League of Cities has indicated that it supports this bill.²

The Department of Community Affairs has indicated that it is not impacted by this bill.³

The Department of State has indicated that the “fiscal impact on staff appears to be negligible as assistance to organizations is already included in the statute.”

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

² March 2, 2009, e-mail from Dee Carper, Florida League of Cities.

³ March 12, 2009, e-mail from Mark Toole, Florida Department of Community Affairs.